

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:)	Case No.: 16-24231 JAD
)	
John J. Basista,)	Chapter 7
)	
Debtor.)	Document No.: _____
)	
Charles O. Zebley, Jr.,)	
)	
Trustee/Movant,)	
)	
vs.)	
)	
John J. Basista,)	
)	
Debtor/Respondent.)	

TRUSTEE'S MOTION TO CONFIRM TRUSTEE'S RIGHT
AS A GENERAL PARTNER TO SEEK A
RECEIVERSHIP AND DISSOLVE THE PARTNERSHIP

The Trustee, Charles O. Zebley, Jr., through his attorneys, Zebley Mehalov & White, P.C. files the within motion and respectfully represents as follows:

1. John J. Basista ("Debtor") filed a chapter 13 bankruptcy on November 14, 2016. It converted to a chapter 11 on August 21, 2017. The case was then converted to a chapter 7 on February 19, 2019.
2. Charles O. Zebley, Jr. ("Trustee") serves as chapter 7 trustee.
3. Debtor's assets include his 50% interest in Basista Farms. Debtor's sister Barbara Basista owns the other 50%.
4. Under 11 U.S.C. §541 Debtor's interest in Basista Farms is property of his bankruptcy estate.
5. As property of his bankruptcy estate Trustee may exercise all of the rights Debtor possessed as a general partner of Basista Farms.
6. By order of this court dated May 16, 2019, this court confirmed Trustee's right to act as a general partner.

7. Due to the fifty-fifty ownership the partnership is deadlocked. This precludes the sale of assets. This in turn obstructs closing the bankruptcy estate.
8. Brian W. Jones ("Jones") holds a judgment against Barbara Basista.
9. In proceedings in Westmoreland County Courts, Jones obtained a charging order against Barbara Basista's interest in the partnership. The order reserved Jones's right to seek a receivership of Barbara Basista's interest.
10. Trustee believes it is also in the bankruptcy estate's best interest to seek a receivership for the entire partnership.
11. The receivership will enable the liquidation of the partnership assets and a distribution to the bankruptcy estate.
12. The choice of a receiver belongs to the Westmoreland County Courts.
13. Trustee and Jones have consulted. Together they will propose that Robert Slone serve as receiver at an hourly rate of \$375. The partnership will bear the receiver's fees and costs.
14. In conjunction with the appointment of a receiver Trustee will also seek to dissolve the partnership.

WHEREFORE, Trustee seeks an order confirming his rights as a general partner of Basista Farms to seek a state court receivership and dissolve the partnership.

ZEBLEY MEHALOV & WHITE, P.C.

Dated: June 17, 2020

BY/s/ Charles O. Zebley, Jr.
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